

Re: Fw: NY's Bay TMDL allocation

Katherine Antos to: Ning Zhou

11/18/2010 06:02 PM

Brian Trulear, Chuck Fox, Greg Spraul, gshenk, Gwendolyn Supplee, Cc: James Edward, Jeffrey Corbin, Jon Capacasa, Linda Miller, Robert Koroncai

Thanks!

Katherine Wallace Antos Chesapeake Bay Program Office U.S. Environmental Protection Agency 410 Severn Ave., Suite 112 Annapolis, MD 21403

(410) 295-1358

Ning Zhou Katherine, Yes, Binghamton's DF issue is addre... 11/18/2010 05:25:32 PM

From: Ning Zhou/CBP/USEPA/US
To: Brian Trulear/R3/USEPA/US@EPA

Cc: Chuck Fox/CBP/USEPA/US@EPA, Greg Spraul/DC/USEPA/US@EPA,

gshenk@chesapeakebay.net, Gwendolyn Supplee/R3/USEPA/US@EPA, James Edward/CBP/USEPA/US@EPA, Jeffrey Corbin/R3/USEPA/US@EPA, Jon Capacasa/R3/USEPA/US@EPA, Katherine Antos/CBP/USEPA/US@EPA, Linda

Miller/R3/USEPA/US@EPA, Robert Koroncai/R3/USEPA/US@EPA

Date: 11/18/2010 05:25 PM

Subject: Re: Fw: NY's Bay TMDL allocation

Katherine,

Yes, Binghamton's DF issue is addressed in their latest 2 input decks.

Ning

Brian Trulear	Katherine, Yes, we told NY we are in agreement	11/18/2010 04:59:13 PM
Katherine Antos	Chuck - Will do. As you know the Scenario Buil	11/18/2010 04:20:14 PM
Chuck Fox	Colleagues, Would you please take a look at the	11/18/2010 04:03:30 PM

From: Chuck Fox/CBP/USEPA/US

To: Jon Capacasa/R3/USEPA/US, Robert Koroncai/R3/USEPA/US@EPA, Katherine

Antos/CBP/USEPA/US@EPA

Cc: Greg Spraul/DC/USEPA/US@EPA, Linda Miller/R3/USEPA/US@EPA, James

Edward/CBP/USEPA/US@EPA, Jeffrey Corbin/R3/USEPA/US@EPA

Date: 11/18/2010 04:03 PM

Subject: Fw: NY's Bay TMDL allocation

Colleagues,

Would you please take a look at the attachment? It suggests "factual errors" in the draft TMDL. I assume that, if correct, these "errors" would be addressed in the comment process before we issue the TMDL.

If they are, indeed, "errors" that would be very good to know and to communicate with Hinchey's office. If they are not, that is also important to know.

As you'll gather from the email chain, we're trying another way to engage the state in supporting a fair allocation.

THANKS!!!

J. Charles Fox Senior Advisor to the Administrator 410 Severn Avenue, Suite 112 Annapolis, Maryland 21403

---- Forwarded by Chuck Fox/CBP/USEPA/US on 11/18/2010 03:58 PM -----

From: "Iger, Michael" < Michael.lger@mail.house.gov>

To: Greg Spraul/DC/USEPA/US@EPA
Cc: Chuck Fox/CBP/USEPA/US
Date: 11/18/2010 03:35 PM

Subject: RE: NY's Bay TMDL allocation

Thank Chuck and Greg. I had a productive conversation with the state after out call on Tuesday. I should have more feedback I can provide in the next day or so.

This data and your comments are helpful and, if it's OK with you, I'd like to pass them on to the state. Please let me know.

Attached are the comments I referenced in our call. They are long and contain a lot of hyperbole, however, they do contain some fact-based criticisms (specifically the WLAs listed on pages 2 and 3) and they are a key player in our local area. I would appreciate your review of these comments.

Talk to you soon, Mike

----Original Message----

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Wednesday, November 17, 2010 3:30 PM

To: Iger, Michael

Cc: Fox.Chuck@epamail.epa.gov
Subject: NY's Bay TMDL allocation

Importance: High

Mike,

I am passing this email along from Chuck as promised....

In case the bold font does not transfer through cyberspace, I bracketed the text that should be bold.

Mike,

Thanks again for your willingness to listen and see if we can find a way to secure NY's support for the TMDL. I spent some time with our technical folks and thought it would be helpful to summarize my sense of where things stand. Any help you can provide would be greatly

appreciated.

In general, these numbers track our earlier conversation. There are some small differences (mostly related to what increases we can justify technically) -- which is precisely why I wanted to involve our technical staff. The bottom line, however, is that the difference may actually be a little smaller than we discussed because of some recent improvements suggested by New York. I've attached a summary table which we can walk through if you want.

The current allocation for NY is 8.23 million pounds per year of total Nitrogen (mpy TN) and 0.52 million pounds per year of total Phosphorus (mpy TP). NY's 11/5/10 Watershed Implementation Plan (WIP) submission (WIP 6 in table) was estimated at 9.44 mpy TN and 0.59 mpy TP, [leaving a current shortfall of 1.21 mpy TN and 0.07 mpy TP respectively.]

NY submitted two new computer runs on Friday of last week which we are in the process of calculating (WIP 7 in table). Importantly, it is our understanding that this latest proposal includes additional controls at significant sewage treatment plants. [This COULD reduce the current shortfall to below 1.08 mpy TN and 0.05 mpy TP respectively], depending upon how the model calculates these reductions as well as other reductions associated with improved best management actions for agriculture. We should know the answer to this in about one week.

It is my understanding that we are now in technical agreement with DEC about the potential value of using a 1985 land use baseline, which NY argues more accurately captures their declining human and animal populations. Again, I need to reiterate that the use of this baseline is inconsistent with the existing agreement among Bay-area jurisdictions and virtually all TMDLs developed over the past decade in the region. However, this revised baseline COULD justify an additional increase of 0.68 mpy TN and 0.12 mpy TP over the existing allocation. Keep in mind that the existing allocation of 8.23 mpy of TN already includes an additional 0.75 mpy TN based upon our earlier response to NY's concerns.

As I relayed, we have a small amount of unallocated TN and TP, totalling about 0.250 mpy and 0.1 mpy respectively. Providing all of these unallocated loads to NY is quite problematic for all of the reasons we discussed. However, IF such an action were to be taken, the shortfalls would become significantly smaller. Ultimately, NY would decide how to allocate these loads between its TN and TP obligations based upon scientifically justified ratios that allow trading between nutrients (1:5 for P to N conversions; 15:1 for N to P). These three scenarios below give you some sense as to what gaps would remain IF all unallocated loads were provided to NY:

Each scenario below places the entire amount of unallocated TN (0.250 mpy) into the Nitrogen column of the ledger. The 3 scenarios below ponder how much TP to convert to TN.

Scenario 1: Convert all unallocated TP to TN and assume preliminary estimates of additional reductions from new computer runs mentioned in the 4th paragraph above. [NY shortfall is 0.33 mpy TN and .05 mpy TP.]

Scenario 2: Use a portion of the unallocated TP to bring the TP gap to zero and then use the rest of the unallocated TP to bring down TN column, assuming preliminary estimates of new computer runs. [NY

shortfall is 0.58 mpy TN and 0.00 mpy TP.]

Scenario 3: Exchange all unallocated TP to TN, assume preliminary estimates of new computer runs, and convert additional P to N to bring TN gap to zero ("Trade" line item in table). [NY shortfall is $0.00~\mathrm{mpy}$ TN and $0.12~\mathrm{mpy}$ TP.]

As a practical matter, Scenario 3 may be the most advantageous to NY given potential local water quality benefits from additional controls on TP. As you will recall, we discussed several gap-filling strategies that NY may want to consider for any one of these scenarios. If you would like to talk more about these, please do not hesitate to contact us.

I hope you find this helpful.

Chuck

(See attached file: table.pdf) [attachment

"101108BgmJC-JSB-CommentLetterToEPA-re-draftC-BayTMDL[EPA-on-lineCommentDocket CommentAttachment#515.1].pdf" deleted by Brian Trulear/R3/USEPA/US]